

TOWN OF ABINGDON, VIRGINIA
REGULAR COUNCIL MEETING
MONDAY, MAY 1, 2006 – 7:30 P.M.
MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Monday, May 1, 2006 at 7:30 P.M. in the Council Chambers of the Municipal Building.

A. ROLL CALL

Members of Council present: Mayor Lois H. Humphreys
Dr. French H. Moore, Jr., Vice Mayor
Mr. Robert M. Howard
Mr. Thomas C. Phillips, Jr.
Mr. Edward B. Morgan

Comprising a quorum of the Council

Administrative Staff: G. M. Newman, Town Manager
Greg Kelly, Town Attorney
Mark Godbey, Finance Director
C. M. Vernon, Jr., Public Works Director
Tony Sullivan, Police Chief
Myra Cook, Tourism Director
Chris Johnson, Parks & Recreation Director
John McCormick, Assistant Fire Chief
Linda F. Wilson, Town Clerk

Visitors: Bob Castle, Greg Case, Joe Alexander, Charlie Smith, Duffy Carmack, Steve Smith, and others

Mayor Humphreys introduced and welcomed the new Tourism Director, Myra Cook.

B. APPROVAL OF MINUTES – April 3, 2006 Work Session; April 3, 2006 Regular Meeting; & April 19, 2006 Budget Work Session

Mr. Howard made the motion that the minutes of the April 3, 2006 work session, the April 3, 2006 regular meeting, and the April 19, 2006 budget work session be approved as submitted. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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C. PETITIONS AND PUBLIC HEARINGS

1. **PUBLIC HEARING – PROPOSED REZONING** – Lynda Campbell, 301 Front Street, Abingdon, Virginia and others; application to rezone six (6) properties in the DEPOT SQUARE VICINITY, from Residential (R-3) and Central Business (B-3), to Old and Historic District (OH) District. **Tax Map No. 19(1)44A, 19(1)43, 19(1)42, 19(2)16, 19(2)17 and Town property.**

Bob Castle represented the Depot Artists Association. Mr. Castle advised that their property is included in the proposed rezoning. They were not opposed to rezoning; however, their concern was that the existing

signs at the Arts Depot might exceed the size requirement. Mayor Humphreys advised Mr. Castle that the existing signs would be exempt because they are grandfathered.

Mr. Morgan noted that the request was brought before the Planning Commission at their last meeting by residents of the referenced area. No one expressed opposition; therefore, the Planning Commission had recommended their approval.

Mr. Morgan made the motion to approve, on first reading, an amendment to the Zoning ordinance to rezone six (6) properties in the DEPOT SQUARE VICINITY, from Residential (R-3) and Central Business (B-3), to Old and Historic District (OH) District (**Tax Map No. 19(1)44A, 19(1)43, 19(1)42, 19(2)16, 19(2)17 and Town property**) as requested by Lynda Campbell and others; and further that the matter be referred to the Historic District Study Committee and the Board of Architectural Review for their review and development of specific uses that would be permitted in the above referenced area; and that the 2 committees make a recommendation to Town Council for their consideration. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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D. CONSIDERATION OF ANY BIDS

1. Consideration – Tabulation of Bids

One, 1.0 Cubic Yard Loader & 14 Foot Backhoe. (Sewer Department)

Mr. Phillips made the motion that the bid, as set forth in Item D-1 of the agenda packet, be rejected and rebid. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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2. Consideration – Tabulation of Bids

Asphalt Resurfacing Work. (Public Works Director)

Monty Vernon, Public Works Director, advised that the only bid submitted was from W-L Construction and Paving, Inc. in the amount of \$244,893. Mr. Vernon recommended that the bid be awarded to them.

Dr. Moore made the motion to approve the bid submitted by W-L Construction and Paving, Inc. in the amount of \$244,893 for asphalt resurfacing work. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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E. REPORTS FROM THE TOWN MANAGER

1. Consideration – Proposed Policy Change/Hours of Operation, Virginia Creeper Trail.
(Chris Johnson, Parks & Recreation Director)

Chris Johnson, Parks and Recreation Director, advised that the proposed change is an enhancement of rules to the current ordinance. Mr. Johnson explained that the Virginia Creeper Trail (trail) is operated by both the towns of Abingdon and Damascus. The Creeper Trail Advisory Board had recently approved the proposed rules that were drawn up by the Creeper Trail Club. However, some concerns had arisen regarding the hours of operation.

Mr. Johnson added that Mr. Steve Smith, adjacent property owner to the trail, had attended the meeting and objected to the suggested quiet hours of 10:00 P.M. to 6:00 A.M. Mr. Smith proposed that the trail be closed during those hours. Mr. Johnson felt that having the trail remain open 24 hours with quiet hours from 10:00 P.M. to 6:00 A.M. would better serve the public. He requested that Council consider the proposed policy changes for adoption.

Mayor Humphreys advised that it is the consensus of Council to refer the matter to the Town Attorney to discuss with the Damascus Town Attorney in an effort to work out a plan that would be agreeable to all parties involved. The plan would then be presented to both Councils for consideration.

Greg Case, a resident of Watauga Road, represented adjacent property owners along the trail. Mr. Case read a petition against the proposed policy change for hours of operation. He noted that when “No Loitering” signs were posted at trail parking areas closing them from dusk to dawn, the following had either been eliminated or significantly reduced: Loitering, trash, vandalism, poachers, illegal drug deals, and security. Mr. Case added that the current hours of operation have worked extremely well.

Joe Alexander, a resident of the Watauga area, advised that he had been a staunch supporter of the trail since its conception. Mr. Alexander felt the relationship between the Town and adjacent property owners along the trail could be improved by closing the trail at night, and posting signs to identify the trail from private property.

Charlie Smith, a resident of the Watauga community, asked why every park in the Town of Abingdon is closed from sunset to sunrise? Mr. Johnson replied that each Town park is one gathering location, whereas the Creeper Trail is a linear park which runs from one location to another.

Mr. Morgan commented that he felt the property owners along the trail had presented valid concerns that should be given serious consideration. However, the Town of Abingdon owns the trail in conjunction with the Town of Damascus. Therefore, the policies that govern the trail must be coordinated between the two localities.

Duffy Carmack suggested that the property owners along the trail be included in the meeting between the Abingdon Town Attorney and the Damascus Town Attorney. He felt it was important to get their input.

Dr. Moore noted that specific operational hours for trail use presents somewhat of a dilemma because Damascus and the Park Service are very strongly opposed to that. He added that each entity has a representative on the Creeper Trail Advisory Board. He felt the Abingdon Town Attorney and the Damascus Town Attorney should review the original ordinance in an effort to merge it with the proposed changes.

Steve Smith, adjacent property owner along the trail, advised that at the February 6 meeting he had requested that the hours for operation of the trail be daylight to dark. He felt it would be wrong for 24 hour operational use of the trail to be imposed. He was previously informed that the operational hours were from dawn to dusk, therefore, he thought the issue was resolved.

Mr. Smith requested that Council not adopt the rules of the trail as presented because he felt they were incomplete. Some other issues such as hunting, camping, alcohol, etc. were not addressed. Mr. Smith suggested that it might be necessary to apply separate rules for separate sections of the trail.

Mr. Morgan noted that no action would be taken on the proposed policy changes at the present time. He added that more Town staff would be assigned specifically to the trail during the upcoming summer season.

Other property owners who were opposed to the proposed changes included: Jeff McCray, Joe Alexander, Mr. Hope, Tom Counts, L. J. Doss, Warren McCray, Joe Vander, John Garrett, and Connie Smith.

Mayor Humphreys advised that she felt the information presented by the property owners would enable the attorneys to review the matter and incorporate additions or deletions to the proposed policy changes to be considered in the near future.

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2. Consideration – Request for \$3,500, O. Winston Link Memorial Committee.
(Chris Johnson, Chairman)

Dr. Moore made the motion to approve \$3,500 from contingencies as requested by the O. Winston Link Memorial Committee. The funds will be used to erect a monument to commemorate the 50th anniversary of the most recognized and beloved photograph by Mr. Link, “Maud bow s to the V irg in ia C reeper”. Mr. Howard seconded the motion.

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Aye	Mayor Humphreys – Aye	

The motion carried.

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J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Appointments –
 - a. Board of Zoning Appeals
 - Fred St. John – 3-year term expired 4/30/06
 - Gerald Henninger – 3-year term expired 4/30/06

Mr. Phillips made the motion to appoint Fred St. John and Gerald Henninger to the Board of Zoning Appeals for 3-year terms to expire April 30, 2009. Dr. Moore seconded the motion.

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Aye	Mayor Humphreys – Aye	

The motion carried.

Mr. Ed Morgan, Council member and member of the Board of Zoning Appeals, announced his resignation from the Board of Zoning Appeals, effective immediately. The Town Attorney noted that the vacancy could be filled at the June meeting.

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K. MATTERS NOT UPON THE AGENDA

1. Mayor Humphreys announced that the tentative date for completion of the Farmer’s Market is July 15.

Mr. Morgan reminded everyone to vote in the Town Council election the following day.

Mr. Howard noted that the Memorial Day Ceremony scheduled for Sunday, May 28, 2006 at 2 o'clock at Veterans Memorial Park will be a salute to Vietnam Veterans.

Dr. Moore made the motion to continue the meeting to Thursday, May 4, 2006 at 8:00 A.M. to work on the budget for fiscal year 2006-2007. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

Dr. Moore made the motion to adjourn. Mr. Morgan seconded the motion. The vote was unanimous. The time was 8:30 P.M.

Lois H. Humphreys, Mayor

Linda F. Wilson, Clerk